



PATENT

Attorney Docket No.: VOSS1110

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Breier, *et al.* Art Unit: 1633
Application No.: 09/445,201 Examiner: Drabik C.
Filed: April 12, 2000
Title: REGULATORY SEQUENCES CAPABLE OF CONFERRING
EXPRESSION OF A HETEROLOGOUS DNA SEQUENCE IN
ENDOTHELIAL CELLS IN VIVO AND USES THEREOF

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Commissioner for Patents
Washington, D.C. 20231

JUN 11 2001

TECH CENTER 1600/2900

RESPONSE TO NOTICE TO COMPLYWITH SEQUENCE LISTING REQUIREMENTS UNDER 37 C.F.R. §§ 1.821-1.825

Dear Sir:

In response to the Notice to Comply with Requirements For Patent Applications
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed April 3,
2001, Applicants provide herewith a computer readable and a paper copy of the Sequence
Listing in accordance with 37 C.F.R. § 1.821 *et seq.*

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <u>6-4-01</u> , in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.	
<u>Yinia Nayan</u>	
Name of Person Mailing Paper	
<u>[Signature]</u>	<u>6-4-01</u>
Signature	Date

In re Application of: Breier et al.
Application No.: 09/445,201
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If the Examiner would like to discuss the attached sequence listing, Applicants' representative can be reached at (858) 677-1456.

Respectfully submitted,

Date: 6/4/01



Lisa A. Haile, Ph.D.

Reg. No. 38,347

Telephone: (858) 677-1456

Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1600
San Diego, CA 92121-2189

USPTO Customer Number: 28213



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Washington, D.C. 20231

STATEMENT UNDER 37 C.F.R. §§ 1.821(f) and (g);

Sir:

I hereby state, as required by 37 C.F.R. § 1.821(f), that the information recorded in computer readable form is identical to the written sequence listing.

I hereby state that the submission, filed in accordance with 37 C.F.R. § 1.821 (g), herein does not include new matter.

Respectfully submitted,

Date: 6/4/01

Lisa A. Haile, Ph.D.

Reg. No. 38,347

Telephone: (858) 677-1456

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Name of Person Mailing Paper: <u>Lisa A. Haile</u>	
Signature: <u>[Handwritten Signature]</u>	Date: <u>6-4-01</u>



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VERIFIED STATEMENT UNDER 37 C.F.R. § 1.821(b) TECH CENTER 1600/2900

Sir:

I, Mikhail Bayley, declare that I personally prepared the paper and the computer-readable copies of the Sequence Listing filed herewith in the above-entitled case and that the content of both is the same.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of The United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 06/01/2001

Mikhail Bayley
Mikhail Bayley

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1600
San Diego, CA 92121-2189
Customer Number: 28213

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<u>Yvonne Nason</u>	
Name of Person Mailing Paper	
<u>[Signature]</u>	<u>6-4-01</u>
Signature	Date



Notice to Comply

Application No.

09445201

Applicant(s)

BREIER et al

Examiner

C. DRABIK

Art Unit

1633

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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